

IN THE MATTER OF : BEFORE THE
THE APPEAL OF : PERSONNEL BOARD
VICTORIA L. WILLIAMS : OF HOWARD COUNTY

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VOLUME 2

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
HEARING DATE: February 4, 1999

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BEFORE: Personnel Board of Howard County
BOARD MEMBERS: Jacqueline Brown, Chairperson
Thomas McKillip, Vice Chairperson
Russell Gledhill
Charles Greenslit
Chris McNamara

1 APPEARANCES :

2 ON BEHALF OF THE APPELLANT

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8 ON BEHALF OF HOWARD COUNTY

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1 NOTE: Very difficult hearing these tapes due to a
2 lot of interference and static.

3
4 P R O C E E D I N G S

5 THE BOARD: I'd like to call to order the
6 February 5, 1999 appeal of Ms. Victoria Williams.
7 All of the Board members are present and the
8 attorney for Ms. Williams, Mr. Knepper, is here and
9 Mr. Basehoar for the County and Ms. Pereira from
10 Corrections.

11 (Inaudible discussion)

12 THE BOARD: Okay. We need to establish
13 are there any objections to a public hearing? Do
14 you want witnesses sequestered or?

15 MR. KNEPPER: I'm going to object to
16 having a public hearing.

17 MR. BROWN: All right. The burden -- I
18 think we stated this at the other hearing but I'll
19 state it again. That the burden of proof is on the
20 Appellant to show by clear and convincing evidence
21 that the action of the personnel officer was

1 clearly erroneous, (indiscernible).

2 (Unknown indiscernible individual speaks)

3 THE BOARD: I'm sorry. Preponderance of
4 the evidence is clearly erroneous, arbitrary and
5 capricious or contrary to law. Any questions on
6 that issue? All right. Your witness.

7 BOARD: Do you wish the witnesses to be
8 sequestered?

9 MR. BASEHOAR: The County does, yes.

10 BOARD: The County does.

11 THE BOARD: Okay. Witnesses will be
12 sequestered. Are there any unresolved preliminary
13 matters?

14 MR. BASEHOAR: I don't know if they're
15 unresolved but, Mr. Knepper and I worked in a
16 meeting in the past two weeks to try to develop an
17 Agreed Statement of Facts and agreement on the
18 submission of documents. So I'm happy to report we
19 were successful in doing so. We have executed
20 tonight an Agreed Statement of Facts and an
21 agreement as well to submit certain documents into

1 evidence in lieu of live testimony so I hope that,
2 among other things, we will be able to remove the
3 necessity for the physicians to have to testify in
4 this proceeding. We have signed one copy of our
5 agreement. We will offer that agreement, at this
6 time, to be accepted into the record and then I
7 have copies that were not executed for each of the
8 Board members that I could hand out to you at this
9 time which you could either (indiscernible).

10 (Agreed Statement of Facts marked and
11 received into evidence as a Joint
12 Exhibit)

13 MR. BASEHOAR: The only other thing I
14 will, note, it might be helpful to you to read
15 through them first. What we attempted to do, so
16 that you will see in just reading through the
17 Agreed Statement, a lot of occasions we just make
18 reference to documents but we tried to put them in
19 chronological order and in many instances those
20 documents that Mr. Knepper submitted that he
21 numbered and those documents that I submitted and I

1 numbered were included so that they'd be in
2 chronological order as Joint Exhibits, and then we
3 can refer to them that way.

4 The only other thing that I would note is
5 that there are, to my calculation, two documents
6 not included within that packet. The first is the
7 personnel file of Ms. Williams which, in light of
8 Mr. McKillip's mutual concern about killing trees,
9 we have not made complete copies for every member
10 of the Board. And the second document would be the
11 transcript that Mr. Knepper prepared for all of
12 you. We referenced that with a number. We would
13 ask that one of those copies be accepted as the
14 numbered exhibit. We've also numbered the
15 personnel records and the Board should feel free to
16 refer to those to the degree they may be necessary.
17 Randy, I guess you can correct me if there's
18 anything else.

19 MR. KNEPPER: No. For preliminary
20 matters, first of all, I would like to thank Mr.
21 Basehoar because he really did a lot of work to put

1 together the document that you have in front of
2 you. Not that I didn't do any but he did more and
3 it's going to, I'm sure, simplify things enormously
4 from (indiscernible) and without a parade of
5 doctors and everything else.

6 Secondly, I want to apologize that I have
7 the flu, not that it's my fault, but that I would
8 rather not have it and I'm sure you would too so if
9 you can't hear what I say, which ordinarily I think
10 you would be able to, just let me know and I may
11 need to take a little a break to go to the john.

12 Third thing, I'd just like to inquire
13 about basic procedures, do you prefer that counsel
14 stand when addressing the Board?

15 THE BOARD: It's not necessary.

16 MR. KNEPPER: Not necessary. And
17 obviously then you wouldn't prefer that counsel
18 stand when addressing the witness. And finally, I
19 guess my question is, the subpoena that -- the only
20 remaining subpoena that I have which is
21 (indiscernible).

1 (Inaudible)

2 MR. KNEPPER: It was in the pre-hearing
3 statement and I called you about it.

4 THE BOARD: The last time that I talked to
5 you it was about the tape that you wanted from
6 Correction's (indiscernible)?

7 MR. KNEPPER: Yeah.

8 THE BOARD: And it was my understanding
9 that you two worked out what was going to be
10 (indiscernible). I did not issue a subpoena to
11 Corrections (inaudible).

12 MR. KNEPPER: Well, that certainly wasn't
13 my understanding and I called you to say that I
14 didn't think any witnesses would need to be
15 subpoenaed but I did feel that I needed to have
16 those documents. So perhaps we can handle this by
17 them just being produced at the next session since
18 we're certainly going to have at least two and that
19 way we won't have to hold anything up. I think
20 that's probably the easiest way to do it.

21 THE BOARD: Okay. Are both parties clear